IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.B.KOSHY
&
THE HONOURABLE MR. JUSTICE V.GIRI

SATURDAY, THE 18TH AUGUST 2007 / 27TH SRAVANA 1929

FAO.No. 119 of 2007()

I.A.6395/2006 IN OS.581/2006 of II ADDL.SUB COURT,ERNAKULAM
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APPELLANTS/PETITIONERS-PLAINTIFFS:
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1. **LEENA SUDHAKARAN, W/O.COL.E.K.SUDHAKARAN AGED 43 YEARS, GAYATHRI APARTMENTS, 201, 2ND FLOOR MLA LAYOUT, MUTHAPPA BLOCK, GANGA NAGAR P.O., BANGALORE.**

2. **MAYA SREENIVASAN, W/O.R.SREENIVASAN, AGED 42 YEARS, NO.954, 9TH MAIN, 21ST CROSS, 7TH SECTOR, HSR LAYOUT, BANGALORE-34.**

BY ADV. SRI.PHILIP T.VARGHESE
SRI.THOMAS T.VARGHESE

RESPONDENTS/RESPONDENTS/DEFENDANTS:
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1. **LEELA PADMANABHAN, W/O.LATE N.A.PADMANABHAN, AGED 63 YEARS, AMRITHAM, HOUSE NO.33/275, ELAMAKKARA P.O., PONEKKARA, ERNAKULAM.**

2. **PARIMAL PARAMANANDDAS, S/O.PARAMANANDDAS MOHANLAL, AGED 41 YEARS, PROPRIETOR, PARIMAL TEXTILES, 40/2128-2129, POST OFFICE LINK ROAD, ERNAKULAM-682 031.**

3. **PARVIN GENERAL TRADING COMPANY, DOOR NO.40/2715, POST OFFICE LINK ROAD, ERNAKULAM 682 031, REPRESENTED BY ITS PARTNER, AFSAL, FATHERS NAME NOT KNOWN, AGED ABOUT 45 YEARS**

4. A.A.KABIR, AGED ABOUT 45 YEARS,
PROPRIETOR, MOOLAYIL CHURIDHARS, 40/2715,
POST OFFICE LINK ROAD, ERNAKULAM-682 031.

5. GIRIDHARLAL, POST OFFICE LINK ROAD,
ERNAKULAM-682 031.

BY

THIS FIRST APPEAL FROM ORDERS HAVING COME UP FOR ADMISSION ON 18/08/2007 ALONG WITH FAO NO.120 OF 2007 THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

J.B.KOSHY & V.GIRI, JJ.

F.A.O.NO.119 & 120 OF 2007 (V)

Dated this the 18th day of August, 2007

J U D G M E N T

KOSHY,J.

By the impugned order the application for appointing a receiver was dismissed and by another interim order the injunction petition retraining the respondents from effecting repairs to the building were dismissed. The court below has considered the matter in detail and found that prima facie, title and possession is with the respondent and it is also noticed that respondent is undergoing treatment for cancer and this income is used mainly for the treatment. In view of the prima facie nature of the case, interim order was passed. It is submitted from last April onwards that the matter is likely to be settled. The suit can be settled and for that these appeals need not be kept pending. We see no merit in these appeals

and hence both appeals are dismissed. Suit shall be disposed of untrammeled by the observations in the interim order.

J.B.KOSHY, JUDGE

V.GIRI, JUDGE

prp

J.B.KOSHY & V.GIRI, JJ.

M.F.A.NO. OF 2006 ()

J U D G M E N T

18th August, 2007